

#27



Attorney's Docket No.: 10276-014002 / JDP-025CN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eleftheria Maratos-Flier et al. Art Unit : 1647
Serial No. : 09/159,068 Examiner : Christine Saoud, Ph.D.
Filed : September 23, 1998
Title : REGULATION OF EATING BEHAVIOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed July 10, 2003 (copy enclosed). The application was abandoned under 37 CFR §1.135 for failure to respond to the Office action mailed November 14, 2002.

The following documents are submitted under 37 CFR §1.8(b)(2) as proof that a Response was timely filed on May 14, 2003:

1. A copy of the response to the Office action, including an executed certificate of mailing signed by Maria Reen on May 14, 2003;
2. A copy of the Petition for Extension of Time, including an executed certificate of mailing signed by Maria Reen on May 14, 2003, which extended the period for responding to the Office action for three months, to and including May 14, 2003;
3. A copy of the check dated May 14, 2003 and postcard dated May 14, 2003 that were included with the response and Petition for Extension of Time; and
4. A copy of the postcard stamped received by the PTO Mailroom on May 16, 2003.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Applicant : Eleftheria Maratos-Flier et al.
Serial No. : 09/159,068
Filed : September 23, 1998
Page : 2 of 2

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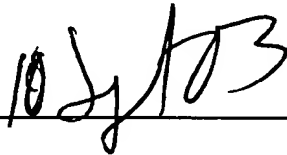
Also enclosed is an original signed declaration under 37 CFR §1.8(b)(3) by Leda Trivinos, attesting on the basis of personal knowledge to the mail procedures in effect on May 14, 2003 and that the above documents were timely filed on May 14, 2003.

The undersigned, applicant's attorney of record, first became aware of the abandonment on July 15, 2003, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

In view of the foregoing, withdrawal of the Notice of Abandonment is respectfully requested.

No fee is believed to be due. Please apply any charges or credits to Deposit Account No. 06-1050.

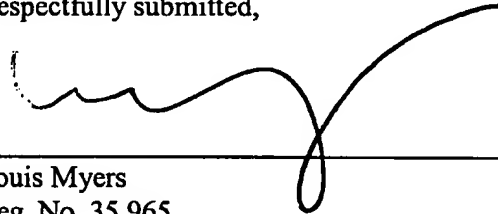
Date: _____



Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20722493.doc

Respectfully submitted,



Louis Myers
Reg. No. 35,965



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eleftheria Maratos-Flier et al. Art Unit : 1647
Serial No. : 09/159,068 Examiner : Christine Saoud, Ph.D.
Filed : September 23, 1998
Title : REGULATION OF EATING BEHAVIOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF TIMELY MAILING UNDER 37 CFR §1.8
STATEMENT OF LEDA TRIVINOS

I, LEDA TRIVINOS, declare as follows:

I am an associate at the law firm of FISH & RICHARDSON P.C.

I first became aware of the abandonment of the above patent on July 15, 2003, upon receipt of the Notice of Abandonment. I submit that the accompanying petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

On May 14, 2003, I signed the correspondence entitled Response for Louis Myers, attorney of record in the present case. I gave the signed documents to my secretary, Maria Reen, who signed the certificate of mailing stamped directly on the correspondence, which indicated that the correspondence and accompanying postcard were being deposited with the United States Postal Service on May 14, 2003. Ms. Reen then made photocopies for the file, sealed the originals in an special envelope preprinted with the address of the Assistant Commissioner of Patents, and left the envelope in one of the designated "pick-up stations" to be delivered to the United States Postal Service in accordance with the procedures of our firm.

Knowing the procedures for outgoing mail and my secretary's experience with them, I had reasonable basis to expect that the correspondence would be deposited with the United States Postal Service on the date indicated.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Applicant : Eleftheria Maratos-Flier et al.
Serial No. : 09/159,068
Filed : September 23, 1998
Page : 2 of 2

Attorney's Docket No.: 10276-014002 / JDP-025CN

On July 15, 2003 I received a Notice of Abandonment which had been mailed July 10, 2003, indicating that the above application had been deemed abandoned for failure to respond to the Office action. It was upon receipt of this notification that I first became aware that the application was abandoned.

Respectfully submitted,

Date:

10 September 2003



Leda Trivinos
Reg. No. 50,635

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

FR FISH & RICHARDSON P.C.

161523

225 Franklin Street
Boston, Massachusetts
02110-2804

PAY

four hundred sixty-five

DOLLARS

TO THE ORDER OF

DATE

AMOUNT

COMMISSIONER OF PATENTS AND TRADEMARKS

5/14/03

465.

FISH & RICHARDSON P.C.

52-153/112



Fleet

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www.fleet.com
South Portland, ME

BY

PLM/mtr

10276-014002 MTR

⑈ 161523 ⑈ ⑈ 011201539⑈ 80 071 123 ⑈

Attorney's Docket No. 10276-014002	Express Mail Label No.	Mailing Date May 14, 2003	For PTO Use Only Do Not Mark in This Area
Application No. 09/159,068	Filing Date September 23, 1998	Attorney/Secretary Init PLM/mtr	
Title of the Invention REGULATION OF EATING BEHAVIOR			
Applicant Eleftheria Maratos-Flier et al.			
Enclosures ·Amendment/Response (7 pages) ·Check in the amount of \$465.00 ·Petition for Extension of Time (3 months)			

FR FISH & RICHARDSON P.C.

161523

225 Franklin Street
Boston, Massachusetts
02110-2804

PAY *four thousand Sixty-five* DOLLARS

TO THE ORDER OF

DATE

AMOUNT

COMMISSIONER OF PATENTS AND TRADEMARKS

5/14/03

465.

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10276-014002 mtr

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Applicant Eleftheria Maratos-Flier et al.			
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

PLM
LNL
LIT

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,068	09/23/1998	ELEFThERIA MARATOS-FLIER	10276/014002	4696

26161 7590 07/10/2003

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110



EXAMINER

SAUD, CHRISTINE J

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 07/10/2003

23

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
FISH & RICHARDSON P.C.

JUL 15 2003

LOUIS MYERS

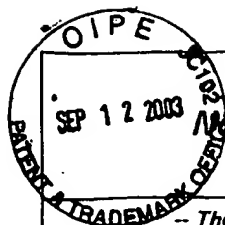
RECEIVED

JUL 14 2003

FISH & RICHARDSON, P.C.
BOSTON OFFICE

Docketed By Practice Systems
Action Code: AB-PTO ENVR
Ease Date: 7/10/03
Due Date: 9/10/03
Deadline: 9/10/03
Initials: LNL
Record: —

Entered By Billing Secretary
Date: 7/10/03
Initials: ANXC



Notice of Abandonment

Application No.
09/159,068

Applicant(s)
Eleftheria Marato-Flier et al

Examiner
Saoud, Christine

Art Unit
1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Nov 14, 2002.

(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

Gary L. Kunz
GARY KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.